

February 27, 2002



Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: Open Access Notice of Inquiry, GEN Docket 00-185

Dear Ms. Salas:

On February 26, 2002, Cheryl A. Leanza and Andrew Jay Schwartzman of Media Access Project met on behalf of our clients Consumers Union *et al.* with Susanna Zwerling and Jordan Goldstein of Commissioner Copps Office with respect to the above-captioned proceeding.

We reiterated our position as disclosed in prior filings with respect to the Open Access proceeding. We explained that cable Internet service should be regulated in the same manner as wireless Internet access. We explained that we thought cable Internet service included a telecommunications component as a matter of law and that this component should be unbundled pursuant to the Commission's *Computer Inquiry* rules. We urged the Commission not to adopt analysis in this proceeding similar to that articulated in the wireline open access NPRM, CC Docket Nos. 02-33, 95-10, 98-10. We explained that the Commission's reliance on the Universal Service *Report to Congress* is inappropriate and exceeds the limitations of that report. *See, e.g.*, Reply Comments of CU *et al.* in CC Docket No. 96-149 at 7-9 (filed Dec. 11, 2000).

Sincerely,

Cheryl A. Leanza
Deputy Director

cc: Jordan Goldstein
Susanna Zwerling